

**~~GENERAL LAWS~~ CONSTITUTION AND BYLAWS OF THE
SAN FRANCISCO THEATRICAL EMPLOYEES
LOCAL B-18**

PLEDGE

I, the undersigned, as a condition of my membership in Local B-18 and in the International Alliance of Theatrical Stage Employees and Moving Picture ~~Machine—Operators~~ *Technicians, Artists and Allied Crafts* of the United States, *Its Territories* and Canada, do solemnly pledge myself to accept and abide by the provisions of the ~~General—Laws~~ *Constitution and Bylaws* of this Local and the Alliance, as now in force and as hereafter legally amended, and hereby express by consent to be governed thereby in the conduct of my trade and in my relationship with this Local and Alliance. I solemnly pledge myself not to resort to legal proceedings against this Local and the Alliance for any grievance, but first to seek my remedies within this Local and the Alliance, before resorting to any other tribunals.

CONSTITUTION

ARTICLE I

NAME, AFFILIATION AND JURISDICTION

Section 1.

The name of this organization shall be Theatrical Employees Union Local B-18 International Alliance of Theatrical Stage Employees and Moving Picture ~~Machine—Operators~~ *Technicians, Artists and Allied Crafts* of the United States, *Its Territories* and Canada, AFL-CIO (hereinafter called the “Local”)

Section 2.

This Local has been established and exists by virtue of a Charter issued by the International Alliance of Theatrical Stage Employees and Moving Picture ~~Machine—Operators~~ *Technicians, Artists and Allied Crafts* of the United States, *Its Territories* and Canada (hereinafter called the “Alliance” or “International”) and pursuant to the Constitution and By-Laws of the International.

Section 3.

Jurisdiction of the Local shall embrace the jurisdiction set forth in the Charter granted, as more fully defined in Article XVIII, Section 9 and 10 of the International Constitution, geographical jurisdiction being San Francisco and vicinity.

ARTICLE II

OBJECTS PURPOSE

Section 1.

The specific and primary purpose of the organization is to operate a labor organization within the meaning of Section 23701a of the California Revenue and Taxation Code.

Section 2.

The organization does not contemplate pecuniary gain or profit to its members and is organized for nonprofit purpose.

Section 3.

This Local is dedicated to the principles of trade unionism. Its objects are to unite all workers with its jurisdiction for the following purposes:

- To improve their wages and hours of work, increase their job security and to better their working conditions.
- To advance their economic, social and cultural interests.
- To establish peaceful and harmonious relations between its members and their employers, and to increase the stability of the industry.
- To assure full employment.
- To promote and support democracy and free trade unionism
- To engage in such other activities as may be deemed necessary *or proper to strengthen the labor movement* to extend the process of collective bargaining throughout all trades and industries, *over which this alliance exercises, or may exercise, jurisdiction and/or bargaining rights.*

Section 4.

This Local shall endeavor to accomplish the foregoing purposes by organizing the unorganized, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation, and by all other appropriate means within the International.

ARTICLE III

MEMBERSHIP

Section 1. Qualifications for Membership

No person shall be eligible either to **obtain** membership or to retain membership in this Local who shall be a member of any organization having for its aim and purpose the overthrow, by force, of the Constitution and Government of the United States or Canada.

Any member, who shall, upon trial, be found to lack any of the qualifications for membership in this Local, shall forthwith be expelled and shall surrender all rights and privileges as such member, and no member, so expelled, shall ever be eligible to re-instatement thereafter.

Any person applying for membership in this Local must be of good moral character and reputation and, unless waived by the International for proper cause upon application by the Local, must have been a resident for at least eighteen months immediately ~~preceding~~ **preceding** his application within its jurisdiction, be of legal age ~~and be a citizen of the United States or Canada.~~ **to engage in gainful employment within the jurisdiction of this Local.**

There shall be no discrimination against any person in respect to membership in this Local by reason of race, color, creed, religion, national origin, sex, age or sexual orientation.

Section 2. Application for Membership

Every application for membership must be made upon the official printed form supplied by ~~the Local.~~ **by the International.**

~~Each application must be endorsed~~ **The endorsement of the application** by ~~the Secretary of the Local and the endorsement of the General Secretary-Treasurer of the International~~ must be obtained before any action is taken by the Local upon the admission of the applicant, and if his endorsement is refused the applicant shall be rejected.

Each application must be accompanied by ~~one-half of the usual~~ **a fifty dollar (\$50)** initiation fee (to be returned if application is rejected), **unless expressly waived by vote of local union, and such processing fee as may be determined by the International. This processing fee is not refundable.** Any applicant who is guilty of making false statements upon the application blank shall, if he has been admitted to membership, be expelled upon conviction and shall be thereafter denied admission to membership in this Local. Any initiation fee paid by such member shall be forfeited upon his expulsion.

~~Any person who endorses the application of a person not eligible to membership shall be subject to a fine.~~

Section 3. Withdrawal from Membership

A Member desirous of withdrawal from membership in this Local may do so by sending a letter of resignation to the Local Secretary and in such case, the resignation shall become effective upon receipt of such notice of resignation. A member so resigning shall forfeit all rights, benefits, and privileges incident to membership in the Alliance and in the Local.

Any member in good standing who wishes to withdraw from membership in this Alliance on the basis of the issuance of a honorable withdrawal card may do so by putting their request in writing and declaring in their request they will not continue to work in the craft of the local union to which he/she belongs.

Honorable Withdrawals shall be granted to any member desiring to relinquish his membership, providing he shall be in good standing at the time of the withdrawal.

ARTICLE IV

HEADQUARTERS

The headquarters and main office of this Local shall be within the City of San Francisco, California, at such place as may be designated by the Local.

ARTICLE V

GOVERNMENT

Section 1. Supreme Law

The International Constitution and By-Laws, as well as this Constitution and By-Laws, shall be the Supreme Law of this Local.

Section 2. Membership Meetings

Regular meetings shall be held each month of the third Monday of the month at ~~10:30 a.m.~~
6:30pm

The meetings for June, July and August may be suspended by majority vote of the members present at a regular meeting.

Special meetings shall be called by the President on petition of no less than 15 members, and no business, other than that for which such meeting is called, shall be conducted thereat.

A majority of the Executive Board as well as the President shall also have the power to call a special meeting.

A quorum of 11 members in good standing is required to open a meeting for the transaction of lawful business.

Section 3. Executive Board Meetings

The Executive Board shall meet ~~at least once a month~~ *quarterly* and at such other times as called by the President. A majority of the members of the Board shall have the power to call an Executive Board meeting.

All members of the Board shall be notified in advance of such meetings. A majority of the members of the Executive Board shall constitute a quorum.

ARTICLE VI

NOMINATION AND ELECTION OF OFFICERS

Section 1. Elected Officers and eligibility

There will be elected to office the following officers, viz:

- **President**
- **Vice-President**
- **Business Agent/Secretary-Treasurer**
- **Executive Board – to consist of President, Vice-President, Business Agent/Secretary-Treasurer, and two Executive Board Members at Large.**
- **Board of Trustees** (To consist of ~~two~~ *three* members, the one receiving the highest vote in the election to be declared the Chairman. If the vote is a tied the President shall have the power to appoint the Chairman).
- **Sergeant-at-Arms**

Section 2. Eligibility

To be eligible for office a person must have been a member in continuous good standing in this Local for a period of two years and who is not disqualified from holding office under any applicable Governmental law. *Any member in good standing of this Local shall be eligible to serve as a Delegate.*

Officers of affiliated local unions must be members of such local unions but to be eligible for elective or appointive office in any local union of this Alliance a person shall be actively engaged in the industry within the Local's jurisdiction and have worked for at least one hundred and twenty(120) days in the past thirty six (36) months, and have been a member of that local union in continuous good standing for two years, except that this provision shall not apply to any newly-chartered Locals or where such requirement has been waived in writing by the International President in special cases where the circumstances in his judgment warrant it. Time served as an officer of a local union shall be applicable towards the "one hundred and twenty (120) days in the past 36 months" requirement. The continuous good standing for two years is not broken unless the member has been suspended under the Local's Constitution and Bylaws.

Section 2 3. Nominations

All nominations must be made at the regularly scheduled meeting in the month of ~~November~~ **September.** ~~of the even numbered years.~~ No member shall be nominated if absent when his name is presented, unless his written consent to be a candidate has been presented and filed with the Secretary at or before the nominating meeting.

After nominations have closed, the President shall appoint a judge to have charge of the proper conduct of the election and two (2) Tellers, none of whom shall be candidates, to assist under his direction.

Members shall be notified by mail of the date, time and place of the meeting at which nominations are to be taken at least fifteen (15) days in advance of such meeting. *Such notice shall also state the offices to be filled by election and the manner in which nominations are to be received and be mailed to the member's last known address. A quorum at the nomination meeting is not required to proceed with nominations*

Section 3 4. Elections

The election shall be held once every ~~three~~ **four** years in the month of November on the designated Election Day. At such elections, there shall be elected the Officers provided for in Article VI, Section 1, of this Constitution and By-Laws. *A Judge of Elections shall be appointed by the President. The Judge of Elections shall not be nominated for any of the aforementioned offices.*

Notices of Election shall be mailed to all members at least fifteen (15) days prior to elections, specifying the date, time, and place of the election and the offices to be filled. *Such notices shall be mailed to the members last known address. Absentee voters shall be given written*

notice as to the deadline for the receipt by the Local of the absentee ballots. Only those members duly nominated shall be candidates for office (write-in votes for those not duly nominated shall not be counted).

Absentee ballots must be requested in writing. The absentee ballots must not be mailed back to the office of the Local. They should be mailed to a post office box or a third party address and picked up by the Judge and at least one Teller on the day of the election.

Any candidate shall have the right to see a current list of members from the Local. If a candidate desires to see the list, all members must be shown.

If there is only one candidate for any office, the Secretary shall cast a unanimous ballot for that candidate and shall dispense with the requirement of a secret ballot vote for that office.

Section-4-5. Election Day

The Secretary, in conjunction with the Judge of Elections, shall procure the ballots, tally sheets and the ballot box, or if voting machines are used he shall arrange for same. It shall be the duty of the Secretary to preserve the ballots and all other records pertaining to the election for a period of one year. ***The Judge of Elections shall appoint Tellers to assist him in counting the ballots. The Tellers shall not be nominated for any offices in Article VI, Section 1.***

The eligibility of the members to vote must be verified.

Every member must have a paid-up dues card to receive an official ballot, which he shall mark alone inside one of the booths.

Before leaving the booth, he shall fold the ballot so as to conceal his vote and deliver it to the Judge, who in the presence of both shall deposit it in the ballot box. Any member, who through misfortune is unable to cast his own vote, may call upon the Judge of Elections only, to assist him.

Upon the polls being declared closed, the Judge shall open the ballot box and have the ballots counted. If the total agrees with the tally, the Judge and Tellers shall then proceed to the official count of the votes for the different candidates. The total of each candidate's vote shall be recorded on a recapitulation sheet, which must be signed by the Judge and Teller. The President shall then read the results at the next scheduled meeting, and those candidates who receive the highest number of votes shall be declared elected.

Any candidate shall have the right to have an observer (who must, however, be a member in good standing in the Local, present at the polls and at the counting of the ballots.

Election shall be conducted by secret ballot. Proxy voting shall not be permissible except as provided before in the case of a member who, by misfortune, cannot cast his own vote.

Section 5 6. Installation

The officers elected *shall be installed* at the regular meeting in the month of January ~~of the odd-numbered years~~ and shall subscribe and assent to the required pledge before entering upon their duties of their office, viz.

“I do hereby pledge myself faithfully to perform duties of the office of.....as prescribed by the laws of this Local, and to bear true allegiance to the International Alliance of Theatrical Stage Employees and Moving Picture ~~Machine Operators~~ *Technicians, Artists and Allied Crafts* of the United States, *Its Territories* and Canada. I will deliver to this Local, upon demand, all books, papers, and other properties in my possession. All this I solemnly promise, with the full knowledge that to violate this pledge is to stamp me as a person devoid of principle and destitute of honor.”

ARTICLE VII

DUTIES OF OFFICERS

Section 1. President

The President shall preside at all meetings of the membership and of the Executive Board. He shall at all times conduct same in accordance with this Constitution and By-Laws and the Standing Rules attached hereto. For misconduct during the course of a meeting, a member may be summarily fined in an amount not to exceed ~~\$1.00~~ **\$5.00** for each separate ~~offense~~ *offense*, or at the discretion of the President, he may be summarily ejected from the meeting if his conduct persists in disrupting the meeting.

In the absence of a specific law to govern a given condition, the President shall decide the matter in a spirit of fairness and equity and such ruling shall be enforced unless changed by the Executive Board or the membership.

He shall see that all officers perform their duties as prescribed by the Constitution and By-Laws and shall be member Ex-Officio of all committees.

He shall, with the consent of the Executive Board, use all moral and financial aid in enforcing the rules, wage scales and conditions of this Local.

He shall appoint the members of all committees.

He shall sign all orders on the treasury legally authorized by the Local, and shall sign all checks.

If a vacancy should occur during the term of any officer of this Local, the President shall have the power to appoint a member in good standing to take his place temporarily until the vacancy shall have been filled by the membership at a By-Election.

In the event a vacancy occurs in the office of President, the Vice-President shall succeed to the office of President until the vacancy shall have been filled by the membership at a By-Election.

By-Elections must be held within ~~60~~ **120** days after the vacancy was created.

By virtue of his office, the President shall be the first alternate delegate to all conventions and/or trade assemblies as shall be of Interest and Importance to this Local. ***The President shall also be empowered to appoint Delegates to such conventions or trade assemblies (other than those names in Article Six, Section 1 hereof) as shall be of interest and importance to this Local.***

Section 2. Vice-President

In absence of the President, the Vice-President shall assume all duties of the President. In the absence of the President and Vice-President at a meeting, the body shall select a presiding officer.

By virtue of his office, the Vice-President shall be the second alternate to all conventions and/or trade assemblies as shall be of Interest and Importance to this Local.

Section 3. Secretary-Treasurer

It shall be the duty of the Secretary-Treasurer to attend all meetings of the membership and the Executive Board. He shall keep minutes, but not necessarily verbatim, of the proceedings of such meetings in a book provided for such purposes. He shall keep a duplicate copy of all correspondence and shall keep the seal in his possession.

The Secretary-Treasurer shall have ballots prepared with the names of the candidates arranged in alphabetical order; one ballot to be delivered to each member entitled to vote. The seal of this organization shall be placed on the ballots.

It shall be the duty of the Secretary-Treasurer to keep a true and accurate record of all income and disbursements and all assets and liabilities of the Local.

He shall deposit all money in a bank approved by the Executive Board, same to be in the name of the Local, subject to withdrawal by checks signed by himself and the President.

He shall collect all dues, fines and assessments from the members and shall report quarterly to the meeting on the standing of all members.

He shall deliver to the Chairman of the Board of Trustees for auditing purposes all books and papers in his possession and shall attend such auditing meetings.

He shall pay all demands on the treasury by check when ordered paid at regular meetings of the membership or of the Executive Board, and shall make a quarterly report of the financial condition of the Local.

Section 4. Business Agent

The Business Agent shall supply employers with manpower when called upon to do so. He shall keep a correct list of all work given out, as well as a list of unemployed members.

He shall report to the Executive Board all alleged violations by members of the laws of the Local.

He shall perform such duties as ordered by the membership or by the Executive Board between membership meetings. He shall have full charge of the office of this Union, represent the Local in all dealings with employers, but shall at all times be under the supervision of the Executive Board.

He shall render a verbal report at each Executive Board meeting of all union business transacted by him in the interim.

The Business Agent shall conduct all contract negotiations with the Employers, subject to the concurrence of the Executive Board and ratified by a majority of members present at a General or Special meeting.

The office defined by Section 3 and 4 shall be combined, subject to the discretion of the Executive Board.

By virtue of his office, the Business Agent shall be a delegate to all conventions and/or trade assemblies as shall be of Interest and Importance to this Local. He shall also be a delegate to the Central Labor Council.

The Business Agent shall have the right to appoint Shop Stewards with the consent of the Executive Board.

Section 5. Board of Trustees

The books of this Local must be audited every six (6) months by the Board of Trustees, who will make a detailed report of their findings at the next regular meeting. The Board of Trustees is charged with the responsibility of seeing to it that any officers and employees of

this Local who handle its funds and property are bonded for the faithful discharge of their duties to the extent and in the amount and form required by law. The expense of such bonds shall be borne by the Local. The Board of Trustees shall also be responsible for seeing to it that all books and records of the Local, used as the basis for preparing reports required by law to be filed with the Government, are preserved for at least five (5) years from the dates such reports were filed.

Section 6. Executive Board

The Executive Board shall investigate all complaints of members and decide, if possible, upon all questions in dispute between employer and employee, accepting any honorable means towards an amicable settlement that may be deemed essential to the best interest of this organization.

The Executive Board shall decide upon all matters referred to them by the membership and their decision shall be binding unless reversed by a majority vote of the members present at a regular or special meeting of the Local. The Executive Board shall act as a trial board of this Local unless the member elects to be tried at an open meeting as provided in ~~Article XII, Section 14~~ **Article XI, Section 16**, hereof. They shall have the power to summon as a witness any member, and those failing to answer may be adjudged in contempt and penalized for the same by fine or suspension.

The Executive Board shall act for the Local in the interims between meetings of the general body and shall have the authority to perform any act which the general membership can perform and which may require immediate attention.

All business transacted by the Executive Board must be reported at the following regular meeting of the membership.

Section 7. Sergeant-at-Arms

It shall be the duty of the Sergeant-at-Arms to be present at all membership meetings and see that none but members enter the meeting hall and to carry out such instructions as are given to him by the presiding officers.

Section 8. Delegates of to International Convention

The Delegates shall perform their duties as prescribed by the Constitution and By-Laws of the International Alliance and report thereon at the next regular meeting following the Convention.

Section 9. Other Delegates

Other delegates shall attend meetings of the Bodies or Conventions to which they are

accredited and shall report thereon to the membership at the next regular meeting.

Section 10. Compensation of Officers

The Secretary-Treasurer and the Business Agent are to be compensated for their services and the amount of compensation they are to be paid shall be determined by majority vote of the Executive Board at the regular meeting at which nominations for office are held and once fixed shall not be reduced during the term of office.

Any proposed increase during the term of office of the compensation so fixed shall require a majority vote by secret ballot of the members present at a special meeting.

Section 11. Shop Steward

~~A Shop Steward shall be elected annually in each place of employment by the Union members employed therein. Elections shall be by secret ballot, with nominations being closed one week prior to the election date. Candidates for Shop Steward may not be a Treasurer, First Assistant Treasurer, Head Usher, Head Ticket Taker, or in any other position that might be defined as supervisory by federal law.~~

~~There shall be elected a Shop Steward in each department or area where necessary for the efficient servicing of the members within such area as may be designated by the Executive Board of the Local. Should a vacancy occur, it should be filled immediately by a new election.~~

~~Where an overall Shop Steward is required, he or she shall be chosen from among the Stewards by plurality vote of the entire membership working in the shop, said vote to be by secret ballot.~~

Shop Stewards, at each place of employment, shall be appointed by the Business Agent. The Business Agent shall do so with agreement of a majority of the Executive Board. There shall be a Shop Steward in each department or area where necessary for the efficient servicing of the members within such area as may be designated by the Business Agent of the Local with approval of the Executive Board.

The Shop Steward shall:

- ~~• Attend with the Business Agent all contract negotiations with the Shop Steward's employers. The Shop Steward shall act as witness, without the right to speak unless called upon by the Business Agent.~~

- Be the liaison between the employer and the Business Agent of the Local in the matter of union job openings. The Shop Steward shall notify the Business Agent of any temporary or permanent job openings and also notify the Business Agent of the filling of vacancies.
- Notify the Business Agent of any infractions of the ~~General Laws~~ ***Constitution and Bylaws*** of this Local ***and of Contract violations.***

Explain to every new worker the conditions under which his or her shop is operating, the rate of pay, overtime rules, etc.

Stewards shall attend an initial orientation class at the Local. Stewards shall make a reasonable effort to attend General Meetings. The Local will make its best effort to provide regular training for the Locals Shop Stewards.

All elected Officers shall be exempt from payment of dues.

ARTICLE VIII

TRANSFER AND REINSTATEMENT

Section 1. Transfer

Any member of another Local of this alliance wishing to transfer his membership into this Local shall present his application as a new member together with ~~proof of good standing from the Local of which he was a member~~ ***a transfer card from the local union of which they are a member.*** Upon approval, he shall be admitted to membership upon payment of five dollars ~~(\$5.00)~~ ***(\$10.00)*** transfer fee.

Section 2. Reinstatement of Members

Any member who has been suspended from membership shall be required to pay a reinstatement fee of ~~Twenty-Five (\$25.00)~~ ***thirty five (\$35.00)*** dollars together with all financial obligations that may have accrued against him during the period of his suspension.

Any member who has been expelled shall be required to make application as a new member, and shall be governed by all conditions pertaining to that process

Former members holding Honorable Withdrawals from this Local shall be reinstated at any time upon payment of a reinstatement fee of twenty-five (\$25.00) dollars and the current quarterly dues. After six months absence from the rolls of membership, members with honorable withdrawals must be employed within the Local's jurisdiction to reinstate their membership.

ARTICLES IX

REVENUES

Section 1. ~~Dues and~~ Initiation Fee

~~These dues are payable in advance.~~ The Initiation Fee shall be \$50.00, but may be reduced or waived by vote of the membership for organizational purposes.

Section 2. Dues/Work Fees

A.

The Dues payable *in advance* by each member are:

- \$40.00 per quarter for those who make \$2,500 *or more* in the quarter,
- \$32.00 per quarter for those who make *less than* \$2,500 in the quarter.
- \$18.00 per quarter for those who do not work in the quarter.

Members who leave the jurisdiction of this Local may, at their discretion, retain an active membership by payment of one-half (1/2) the maximum dues.

B.

Work fees payable for those member working in venues including, but not limited to, arenas, stadiums, convention centers and special contracts where scheduling consists of shifts, i.e. sporting events, meetings, etc., shall be a minimum three percent (3%) of the gross for all shifts worked in a quarter.

Section 2 3. Assessments

If at any time the Executive Board deems it necessary to acquire additional revenue, for the best interest of the Local, it shall recommend same to the membership.

Section 3 4. Increase in Dues

The amount of dues provided for herein shall not be increased nor shall any assessment be levied or increased unless approved upon secret ballot by a majority of the members in good standing present at a regular or special meeting written notice of which has been mailed to the members at least fifteen (15) days in advance.

Section 4 5. Investments

At the close of each quarter all money in the commercial account in excess of that required to meet current expenses shall be transferred to the proper savings account. *The Executive*

Board, subject to the approval of the membership, shall be permitted to invest the surplus money of this Local in the United States or Canadian Government bonds or other Government securities

Section 5. ~~Convention Fund~~

~~There shall be a fund to be designated as the Convention Fund.~~

~~The fund shall be maintained by an allocation of twenty five (25) cents per member per quarter, from the regular dues paid by each member.~~

Section 5 6. Special Fund

The President and Business Agent shall have access to a special fund not to exceed \$1,800 approved yearly by the membership to be used between meetings as approved by the Executive Board.

Section 6 7. Authority of to Expend Funds

The funds of this Local shall be used to defray the proper operating expenses provided herein and for other legitimate purposes to accomplish the objects of the Local.

ARTICLE X

GOOD STANDING

Members in good standing of this Local shall enjoy all rights, privileges, and benefits of this Constitution and By-Laws. *The continuous good standing for two (2) years is not broken unless the member has been suspended under this Constitution and Bylaws.*

Dues not paid before the sixteenth (16th) of the first month of each quarter shall be delinquent, and a penalty of two dollars (\$2.00) shall be added to them. An additional two dollars (\$2.00) shall be levied for each week in which the dues remain unpaid.

Any member in arrears for dues, fines and/or assessments to the extent of twelve dollars (\$12.00) shall be given a written notice to pay in full within forty-eight (48) hours or stand suspended and be subject to a reinstatement fee of ~~twenty five dollars (\$25.00).~~ *thirty five dollars (\$35.00).*

Failure on the part of any member to pay any financial obligation to this Local within sixty days after same became payable shall result in such member being automatically declared not in good standing. A member not in good standing shall be deprived of the right to hold office, to attend meetings and to vote. If such default continues for a period of more than six

(6) months from the date that the financial obligation first became payable, the member shall be deemed automatically expelled. A written notice of the intent to expel must be sent by certified mail to the delinquent, and he must be given ten (10) days to respond. If no response they will be expelled.

ARTICLE XI

IMPEACHMENT OF OFFICERS

Section 1. Grounds

~~Any officer of this Local may be impeached for a violation of his official duties or for any infringement of the Constitution and By-Laws.~~

Section 2. Charges

~~All charges against an officer of this Local must be in writing, in the form of a sworn affidavit, reciting clearly the offense charged, the name of the accused, the time, place and nature of the violation, the Section or Sections of this Constitution and By-Laws alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offense who are known to the accuser.~~

Section 3. Penalty for Preferring False Charges

~~If false charges shall be maliciously preferred against any officer, the person or persons preferring such charges shall be fined fifty dollars (\$50.00), the fine to be imposed upon the acquittal of the accused officer.~~

Section 4. Charges Filed in Duplicate

~~Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.~~

Section 5. By Whom and to Whom Preferred

~~Charges against officers may be preferred by any member or officer of the Alliance. Charges shall be filed with the Executive Board of this Local, which body, with the exception of such~~

~~members thereof as may be charged in said complaint, shall act as the trial body provided, however, that those so empowered to act constitute at least a majority of the Executive Board.~~

~~Section 6. Cognizance of Charges~~

~~The Executive Board shall examine all charges preferred to it and shall have the power to declare such charges cognizable or not. If cognizance is taken of the charges, the accused shall be temporarily suspended from the office and further payment of salary to him or they shall be withheld pending the outcome of the trial. The Executive Board shall in that event make suitable provision for the efficient discharge of the duties of the accused during the suspension period.~~

~~Section 7. Withdrawal of Charges~~

~~After charges have been preferred to the Executive Board they shall not be withdrawn unless the officer accused and the Executive Board both shall consent to the withdrawal.~~

~~Section 8. Notice~~

~~Within one week after cognizance of the charges, the Executive Board shall cause to be served upon the accused officer, personally, or where this is impossible, by registered mail to his last known address, a duplicate copy of the charges and shall notify him of the time and place appointed for the hearing thereon. Provided that such notice shall be served on or mailed to the accused at least one week prior to the date appointed for the hearing.~~

~~Section 9. Continuance~~

~~Should the accused be unable for proper cause to attend a hearing at the time and place designated, he shall, at the discretion of the Executive Board and upon application, be granted a postponement or continuance of some place and date agreed upon.~~

~~Section 10. Appearance for Trial~~

~~If the accused so desires, he may waive the right of appearing before the Executive Board, or he may designate a fellow member as counsel to appear for him and conduct his defense, provided that such waiver of appearance shall not be prejudicial to the accused and the trial shall, if he fails to appear, proceed in his absence.~~

~~Section 11. Trial~~

~~The Executive Board shall sit as the trial body in all impeachment cases and shall conduct at the hearing upon the charges a thorough inquiry into the merits of the case, according to the complainant and the accused alike, a full and impartial hearing.~~

~~In the conduct of such a trial, the provisions of Article XII, Sections 16, 17, 18, 19 and 20 of this Constitution shall be observed.~~

~~Section 12. Penalty~~

~~The guilt or innocence of the accused shall be determined by a majority vote of the Executive Board. If the accused is found guilty as charged, it shall then become the duty of said Board to declare the office of the accused vacant and the successor of said officer shall be elected in a manner provided in this Constitution.~~

~~Section 13. Appeals~~

~~(Covered by Article XIII)~~

ARTICLE XII

DISCIPLINE OF MEMBERS

~~Section 1. Grounds~~

~~In addition to the penalties expressly provided under the various sections of this Constitution and By Laws, any member who shall breach his duty as a member by violation the express provisions of the Constitution and By Laws of this Local or the Alliance or by such conduct as is detrimental to the advancement of the purposes which this Local or the Alliance pursues, or as could reflect discreditably upon this Local or the Alliance, shall be subject to discipline in the manner set forth in the sections following.~~

~~Section 2. Fair Trial~~

~~Nothing in the provisions of this Constitution and By Laws shall be construed to deprive a member charged with a violation thereof of the right to a fair trial whereby his guilt or innocence may be determined, with the exception that a member who has defaulted in the payment of any dues, fees, fines, or assessments lawfully imposed under this Constitution and By Laws shall be punished summarily as this Constitution and By Laws provide.~~

~~Section 3. Charges~~

~~All charges against a member for violation of the provisions of this Constitution or By-Laws must be in writing in the form of a sworn affidavit, reciting clearly the offenses charged, the name of the accused, the time, place and nature of the violation, the section or sections of this Constitution or By-Laws alleged to have been violated, over the signature of the accuser, together with a statement of the names of all witnesses to the offense charged who are known to the accuser.~~

~~Section 4. Penalty for Preferring False Charges~~

~~If false charges shall be maliciously preferred against any member, the person or persons preferring such charges shall be fined twenty five dollars (\$25.00), the fine to be imposed upon the acquittal of the member accused.~~

~~Section 5. Charges Filed in Duplicate~~

~~Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit is sworn.~~

~~Section 6. To Whom Preferred~~

~~Charges shall be filed with the Secretary of the Local.~~

~~Section 7. Withdrawal of Charges~~

~~After charges have been filed with the Secretary they shall not be withdrawn unless the member accused shall consent to the withdrawal.~~

~~Section 8. Publication of Charges~~

~~After the Local has taken cognizance of the charges, the presiding officer shall read them at the next regular meeting. No debate or discussion shall be permitted, but the presiding officer shall request those having personal knowledge of any of the facts alleged in the charges to submit their names as witnesses to the Secretary of the meeting. The presiding officer shall refer the charges to the Executive Board for trial.~~

~~Section 9. Notices~~

~~Within one week after reference of the charges, the Executive Board shall cause to be served upon the accused personally, or where this is impossible, by registered mail to his last known address, A duplicate copy of the charges, and shall notify him of the time and place~~

~~appointed for the hearing thereon, provided that such notice shall be served upon or sent to the accused at least one week prior to the date appointed for the hearing.~~

~~Section 10. Continuances~~

~~Should the accused be unable, for proper cause, to attend the hearing at the time and place designated, he shall at the discretion of the Executive Board, and upon application, be granted a postponement or continuance to some place and date agreed upon.~~

~~Section 11. Appearance for Trial~~

~~If the accused so desire, he may waive the right of appearing before the Executive Board for a hearing upon the charges preferred against him, or may designate a fellow member as counsel to appear for him and conduct his defense. Provided, that waiver of appearance shall not be prejudicial to the accused, and the trial shall, if he fails to appear, proceed in his absence, the Board hearing all evidence and basing its decision as to the guilt or innocence of the accused solely thereon.~~

~~Section 12. Trial Body~~

~~The Executive Board shall sit as a trial body to hear all the evidence upon the charges, and to determine the guilt or innocence of the accused, and if found guilty, to make recommendations as the penalty to be imposed.~~

~~Section 13. Challenges~~

~~The accused shall have the privilege of challenging the right of any member of the Board to sit upon his case, and in the event of such challenge, the other members of the Board shall pass upon the validity, sustaining it or overruling it.~~

~~Section 14. Trial in Open Meeting~~

~~Where the accused shall be aggrieved by the ruling of the Board upon his challenge of an individual member or members, or shall challenge the entire Board for cause, he shall have the election to proceed before the Board, waiving his challenge, or to demand a trial before the members of the Local in open meeting. Provided that if he elects to be tried in the last named manner, the hearing shall be conducted in the manner set form for trials before the Board.~~

~~Section 15. Hearing~~

~~The accused shall, at the hearing upon the charges have the right to present his defense in full, and to confront and question all witnesses and examine all of the evidence of the case.~~

~~Section 16. Member Counsel~~

~~The accused shall have the right to be represented by counsel, who shall be a member of this Alliance in good standing.~~

~~Section 17. Witnesses Sworn~~

~~Whenever the accused or the Executive Board so request, the testimony of any witness must be taken under oath, to be administered by the Chairman of the Board.~~

~~Section 18. Depositions~~

~~If a witness be unable to attend the trial, a written deposition of his testimony shall be taken in the form of an affidavit, and such portions of it as are not denied by the accused shall be admitted as evidence.~~

~~Section 19. Transcripts~~

~~A written transcript of all testimony adduced at the hearing shall be made.~~

~~Section 20. Report of Findings and of Recommendations~~

~~The Executive Board shall, after hearing all the evidence, reduce its finding as to the guilt or innocence of the accused and its recommendations for penalty, to writing and present this report at the next regular meeting of the Local. The transcript of the evidence and proceedings at the hearings shall not be read except upon motion duly seconded and carried by a majority vote of the members present.~~

~~Section 21. Action by Local~~

~~The report of the Executive Board shall be acted upon at the meeting of the Local without debate.~~

~~Section 22. Acquittal or Conviction~~

~~After the submission of the report, the Local shall proceed at once to vote upon the findings as to the guilt or innocence of the accused. If a majority of the members present so vote, the findings of the Executive Board shall be adopted. If the report is not accepted, the record of testimony and proceeding shall be read, unless this has been done heretofore on motion, and the question shall be put whether the accused shall be granted a trial by the Local, or whether the Local shall proceed to ballot upon his guilt. If a majority of the members vote for the latter procedure, a ballot shall be taken on the guilt of the accused and if a majority of the members present shall vote contrary to the findings of the Executive Board, the findings shall stand reversed.~~

~~Section 23. Imposition of Penalties~~

~~If the accused be found guilty of an offense for which no specific penalty is fixed by the Constitution and By Laws, the Local shall then proceed to ballot upon penalty. The vote shall be first upon the recommendation of the Board, which shall be adopted if a majority of the members present so vote. If the recommendation be rejected, then the Local shall proceed to ballot for the penalty to be imposed. The penalty shall be determined by ballot, the members voting to expel, suspend, fine or reprimand.~~

~~Section 24. Where Trial Was Before Local~~

~~Where the accused is tried before the Local as provided by Section 14, the guilt or innocence of the accused shall be determined by majority vote of the members present and the penalty shall be imposed as prescribed in Section 23.~~

~~Section 25. Sentence Reported to International President~~

~~The President of the Local shall forward a report of the sentence imposed upon an accused member to the International President of the Alliance for filing.~~

ARTICLE XI

Discipline of Members and Impeachment of Officers

Section 1. Grounds

In addition to the penalties expressly provided under the various sections of this Constitution and Bylaws, any member who shall breach their duty as a member by violation of the express provisions of the International's or the Local's Constitution and Bylaws or by such conduct as is detrimental to the advancement of the purposes which this Alliance pursues, or as would reflect discreditably upon the Alliance, shall be subject to discipline in the manner set forth in the sections following. Charges filed against officers of the Local shall be filed pursuant to this Article.

Section 2. Fair Trial

Nothing in the provisions of this Constitution and Bylaws shall be construed to deprive a member charged with a violation thereof of the right to a fair trial whereby their guilt or innocence may be determined, with the exception that a member who has defaulted in the payment of any dues, fees, fines or assessments lawfully imposed shall not be entitled to stand trial, but shall be punished summarily as this Constitution and Bylaws provide.

Section 3. Charges

All charges against a member of this Local for a violation of the provisions of the International's or the Local's Constitution or Bylaws must be in writing, in the form of a sworn affidavit reciting clearly the offense charged, the name of the accused, the time, place and nature of the violation, over the signature of the accuser, together with a statement of the names of all witnesses to the offenses charged who shall be known to the accuser.

Section 4. Penalty for Preferring False Charges

If false charges shall be maliciously preferred against any member, the person or persons preferring such charges shall be fined Five Hundred Dollars (\$500), the fine to be imposed upon the acquittal of the member accused.

Section 5. Charges Filed in Duplicate

Charges shall be filed in duplicate, but only the original need bear the seal of the Notary Public before whom the affidavit was sworn.

Section 6. To Whom and When Preferred

Charges shall be filed with the Secretary of the Local and must be filed within sixty (60) calendar days after the offense becomes or should have become known to the person making the charge.

If the Secretary of the Local is the charged party, the charges may be filed with any other officer of the Local who is not a charged party.

Section 7. Charges Against a Local Officer

Charges shall be filed with the Secretary of the Local: If cognizance is taken of the charges, the Executive Board of the Local may, if it deems it necessary or advisable, temporarily suspend the accused from office and, in that event, further payment of salary to such officer shall be withheld pending the outcome of the trial.

If the accused was temporarily suspended from office pending the outcome of the trial, and they are not found guilty after the trial, the accused shall be immediately reinstated to office with pay for the period they were under suspension.

Whenever an officer of the Local as against whom charges are preferred is temporarily suspended from office, such officer shall be entitled to a trial no later than thirty (30) days after the date of the suspension. In the absence of extenuating circumstances, failure of the Local to comply with the foregoing requirement shall result in dismissal of the charges by the International President.

Section 8. Withdrawal of Charges

After charges have been filed with the Secretary of the Local they shall not be withdrawn unless the member accused shall consent to withdrawal.

Section 9. Publication of Charges

After the Local has taken cognizance of the charges of the charges, the presiding officer shall read them at the next regular meeting of the Local. No debate or discussion shall be permitted, but the presiding officer shall request those having personal knowledge of any of the facts alleged in the charges to submit their names as witnesses to the secretary of the meeting. The presiding officer shall refer the charges to the Executive Board sitting as the trial committee in accordance with the Constitution or Bylaws of the Local.

If no regular membership meeting is scheduled within a period of thirty (30) days after the date cognizance of the charges is taken, or if a meeting is scheduled but no quorum is present, the charges shall then be read by the presiding officer at the meeting of the Executive Board of the Local, to be scheduled no later than ten (10) days after the end of such thirty (30) day period.

Section 10. Waiver of Trial

If charges as required by Section 3 hereof have been filed, the accused may plead guilty and waive the holding of the trial provided he does so in a written notarized and witnessed statement and has been advised in writing as to the range of penalties that may be imposed upon him by reason of such plea. If the accused wishes to plead guilty with an explanation such explanation shall also be in written form. An accused who pleads guilty to charges shall be deemed to have waived the right on any appeal to raise any question concerning their guilt or innocence and the appeal in that event shall be limited to the question of the appropriateness of the penalty or penalties imposed upon the accused. No stenographic

transcript or tape recording shall be required if a plea of guilty is entered in accordance herewith.

Section 11. Notice

Within one (1) week after reference of the charges the Executive Board shall cause to be served upon the accused personally, or by certified mail to their last known address, a duplicate copy of the charges, and shall notify them of the time and place appointed for the hearing thereon. Provided, that such notice shall be served or sent to the accused at least fifteen (15) calendar days prior to the date for the hearing.

Section 12. Postponements

Should the accused be unable for proper cause to attend the hearing at the time and place designated, they shall, at the discretion of the Executive Board and upon application, be granted a postponement or continuance to some place and date agreed upon.

Section 13. Appearance for Trial

If the accused so desires, they may waive the right of appearing before the Executive Board for hearing upon the charges preferred against them, or may designate a fellow member as counsel to appear for them and conduct the defense. Provided, that waiver of appearance shall not be prejudicial to the accused, and trial shall, if they fail to appear, proceed in their absence. The Board hearing all evidence and basing its decision as to the guilt of the accused solely thereon.

Section 14. Trial Body¹¹

The Executive Board of the Local, as provided by its Constitution or Bylaws, shall sit as a trial body to hear all evidence upon the charges, and to determine the guilt or innocence of the accused and make recommendations as to the penalty to be imposed if found guilty.

Section 15. Challenges

The accused shall have the privilege of challenging the right of any member of the Board to sit upon their case, and in the event of such a challenge, the other members of the Board shall pass upon its validity, sustaining or overruling it.

Section 16. Trial in Open Meeting

¹¹ In some Locals, instead of the Executive Board serving as the Trial Board, the Constitution provides for the President appointing a specified number of rank-and-file members or a stated number (less than the whole) of Executive Board members. The Local can decide for itself, which is best.

Where the accused shall be aggrieved by the ruling of the Board upon the challenge of an individual member or members, the accused shall have the election to proceed before the Board, waiving the challenge, or to demand trial before the members of the Local in open meeting. Provided, that if the accused elects to be tried in the last-named manner the hearing shall be conducted in the manner set forth for trials before the Board.

Section 17. Hearing

The accused shall, at the hearing upon the charges, have the right to present their defense in full, and to confront and question all witnesses and to examine all the evidence of the case.

Section 18. Member Counsel

The accused shall have the right to be represented by counsel, who shall be a member of the Alliance in good standing.

Section 19. Witnesses Sworn

Whenever the accused or the Executive Board so request, the testimony of any witness must be taken under oath, to be administered by the Chairman of the Board.

Section 20. Interrogatories and Depositions

If a witness is unable to attend the trial, written interrogatories and cross interrogatories, on notice to the adverse party, may be allowed upon due application to the trial body; or a written deposition of his testimony may be taken in the form of an affidavit, in which latter case such portions of it as are not denied by the adverse party shall be admitted as evidence.

Section 21. Transcript

A written transcript of all testimony adduced at the hearing shall be made, provided, however, that in the event the Local elects to tape record the proceedings, such recording must be fully and accurately transcribed by the Local in typewritten form in the event of an appeal to the International President.

Section 22. Report Findings

The Executive Board shall, after hearing all the evidence, render a written report of its findings as to the guilt or innocence of the accused and if the accused be found guilty, the penalty to be imposed. A copy thereof shall be filed with the Secretary of the Local and a copy shall be served either personally or by certified mail on the accused within five (5) working days. A copy of the transcript of the evidence and proceedings at the hearing shall be available for examination by the accused or his/her member counsel. If so requested by

the accused in writing, a copy thereof shall be furnished to the accused at his or her own expense. Immediately upon receipt of the transcript, the Local shall notify the accused in writing of its availability.

Section 23. Action by Membership of a Local Union

At the next membership meeting of the Local, but in no event sooner than twenty (20) days from the date on which the accused has been notified of the availability of the written transcript or tape recording, the report of the Executive Board or Trial Committee shall be submitted to the membership for appropriate action as hereinafter provided. The transcript of the hearing shall not be read except upon motion duly seconded and carried by a majority vote of the members present or if so requested by the accused or in any case under the circumstances referred to in Section 24 hereof.

Section 24. Acquittal or Conviction

After submission of the report, the accused, if aggrieved by the decision of the Executive Board, shall be afforded an opportunity to speak either in favor of or against such decision. Upon completion of debate, the membership shall proceed to vote upon the findings of the Executive Board as to the guilt or innocence of the accused. If a majority of the members present so vote, the findings of the Executive Board shall be adopted. If the findings are not accepted, the transcript shall be read unless this has been done theretofore, and the question shall be put whether the accused shall be granted a trial by the membership or whether the membership shall proceed to vote upon the guilt of the accused. If a majority of the members present vote for the latter procedure, a vote shall be taken on the guilt of the accused, and if two-thirds (2/3) of the members present shall vote contrary to the findings of the Executive Board, the findings shall stand reversed, otherwise, the findings shall stand upheld.

Section 25. Imposition of Penalties

If the accused is found guilty, the membership shall then proceed to vote upon the decision of the Executive Board as to the penalty to be imposed. If a majority of the members present so vote, the penalty fixed by the Executive Board shall be adopted. If a majority of the members present reject the penalty decided upon by the Executive Board, the membership shall then proceed to vote upon the penalty to be imposed, the members voting to expel, suspend, fine and/or reprimand.

When membership voting on the report of the Executive Board is completed, available remedies within the Local shall be deemed exhausted.

Section 26. Where Trial Was Before Membership

When the accused is tried before the membership as provided in Section 16, the guilt or innocence of the accused shall be determined by majority vote, and the penalty shall be imposed as prescribed in Section 25.

Section 27. Sentence Reported to International President

The President of the Local shall forward a report of the sentence imposed upon an accused member to the International President of the Alliance for filing.

Section 28. Appeals

Appeals may be taken from decisions upon the charges against members of this Alliance in the manner provided by Article Seventeen of the International Constitution and Article Twelve of this Constitution. Members shall exhaust all remedies by appeal within this Alliance and shall be bound by the decisions of its tribunals as to all their rights.

Section 29. Apprentices

The due process rights set forth in this Article are applicable to Journeymen members only, not to Apprentices who are provisional members.

ARTICLE XIII ARTICLE XII

APPEALS

Section 1. Right of Appeal

Any member aggrieved by the decision, rule, regulation, order or mandate of an officer or the Executive Board of this Local may, after exhausting his remedies within the Local by appeal to the membership, appeal his case in the following order:

- From the decision of the membership of the Local to the International President of the Alliance.
- From the decision of the International President to the General Executive Board.
- From the ruling of the General Executive Board to the Alliance in convention assembled and the latter body shall be the tribunal of ultimate judgments. However, in the interim rulings of any proper tribunal of the Local or Alliance shall be enforced pending disposal of appeal, unless a stay of decision has, upon application, been granted. *All appeals by a member to the membership of the Local must be heard*

within sixty (60) days of the date the appeal was filed or the member may appeal directly to the International President.

Section 2. Time Allowed for Filing

Appeals shall be cognizable only if filed within thirty (30) days after the decision appealed from. *Appeals concerning nominations or elections must be made within fifteen (15) days.*

Section 3. Must Be In Writing

All appeals to the International must be in writing, setting forth those facts, which the appellant shall consider entitle him to a reversal of the ruling, and signed by the appellant *and properly dated.*

Section 4. Copy of Appeal

When an appeal is taken to the International President from the decision of the Local, a copy of the appeal shall be filed with the Secretary of the Local. Within two (2) weeks the Local shall forward to the International President all the records in the Case, including the sworn charges and the transcript of testimony, the findings and sentence, and any additional matters of evidence on record. The correctness of the transcripts and the record shall be certified by the Local under the appropriate seal. The Local shall also answer to the appeal, setting forth reasons in support of its decision, and serve a copy of the answer on the appellant *by certified mail.*

Section 5. Decision Conclusive

The members of the Local shall submit all their rights within the Local and the Alliance first to the determination of their proper tribunals.

Section 6. Exhausting Internal Remedies

The member's further consent to be disciplined in the manner provided by this Constitution and By-Laws, and under no circumstances to resort to outside tribunals until all the remedies therein provided shall have been exhausted.

Section 7. Appellate Process

In order for an appeal to be cognizable by the International President, all remedies within the local union, including an appeal to the membership, must be exhausted. Appeals within locals from the decision of an officer to the executive board and from the executive board to the membership must be made within thirty (30) days. Appeals concerning nominations or elections must be made within fifteen (15) days.

~~ARTICLE XIV~~ *ARTICLE XIII*

PERMANENCY

This Local shall not dissolve itself while there are seven (7) dissenting members, nor shall this article of the Constitution and By-Laws be subject to any alteration or amendment whatsoever.

~~ARTICLE XV~~ *ARTICLE XIV*

ALTERING or AMENDING THE CONSTITUTION

Alterations or amendments to this Constitution shall be made in writing and have two readings at two consecutive regular meetings, at the last of which same must receive the favorable vote of at least two-thirds of the members voting. Absentee ballots on Constitutional amendments shall be made available to those individual members who request them in writing. All absentee ballots must be received at the office of the Local prior to the meeting during which the amendment is to be voted upon. No such alteration or amendment shall, however, be effective until the International President endorses it.

~~Adopted by the Local B-18 Membership at a Regular Meeting
on October 17, 1983 and June 18, 1984~~

Adopted by the Local B-18 Membership at a Special Meeting on _____,
2013 and _____, 2013.